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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 11th meeting
Held at Headquarters, New York, on Thursday, 15 June 2006, at 10 a.m.

Chairman: Mr. Hunte ..... (Saint Lucia)

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06-38909 (E)

The meeting was called to order at 10.20 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Requests for hearings

2. **The Chairman** informed the Committee that he had received a communication containing a request for a hearing from the Montserrat Progressive Society of New York, a non-governmental organization (NGO) with a special interest in Montserrat. The request had been distributed as aide-memoire 08/06. He took it that the Committee approved the request.

3. *It was so decided.*

Question of the Falkland Islands (Malvinas)
(A/AC.109/2006/17; A/AC.109/2006/L.8)

4. **The Chairman** informed the Committee that the delegations of Argentina, Brazil, Paraguay, Peru and Uruguay had indicated their wish to participate in the Committee's consideration of the item.

Hearing of representatives of the Non-Self-Governing Territory

5. *At the invitation of the Chairman and in accordance with the requests for hearing granted at previous meetings of the Committee, Mr. Stevens (Member of the Legislative Council of the Falkland Islands) and Mr. Davies (Member of the Legislative Council of the Falkland Islands) took places at the Committee table.*

6. **Mr. Stevens** (Legislative Council of the Falkland Islands) said that the Falkland Islands were following a distinctive path and making choices that were right for their unique circumstances, choices not dictated by a colonial Power or powerful neighbours, but the result of an elected and accountable system of governance.

7. The Falkland Islands had enjoyed stability throughout their 170-year history. However, the increased financial and administrative independence of recent times had enabled them to develop on many fronts. Their multicultural, tolerant society wanted for very little. The islands intended to continue evolving and developing, but could do much more if given enough freedom. Such freedom was already enshrined in their internal government and in the constitutional relationship with the United Kingdom. However, they also needed to be free from pressures and negative actions designed to undermine their way of life and force them into an unacceptable relationship with their nearest neighbour.

8. Though the 1982 conflict had been a tragic event, much good had come of it. No longer a forgotten, far-flung community, the Falkland Islands had been able to modernize their government and economy, declare an economic zone in the seas around the islands and invigorate their farming-based economy. Today, theirs was a vibrant economy with an ever-stronger private sector. One of the first areas in which their new-found wealth had been invested was roads. Within a few years they would complete the basic road network. They were also developing a regular ferry service to join East Falkland and West Falkland. Such developments had led to opportunities in many areas, particularly tourism.

9. Education had also been transformed. In the past, further and higher education had been for the privileged or very gifted. Today, after gaining a strong foundation in the islands, a healthy cross section of students went on to further education overseas. The islands were beginning to reap the rewards of such investment as young adults began to return to the islands with internationally recognized qualifications.

10. Health services were also unrecognizable compared to pre-1982. The islands now had a well-funded, modern department with skills and expertise unheard of 25 years ago. The number of houses in the capital, Stanley, had doubled in the past 15 to 20 years, reflecting the strength of the economy and people's confidence in the islands' future. Most people in the islands lived a modern, comfortable existence. A social welfare system helped the less fortunate members of society. There were no chronically poor or homeless.

11. Telecommunications had made a great difference to the islands. In 2006, mobile phones had been introduced to Stanley, with broadband Internet access to follow shortly. Politically, improvements in the democratic processes continued. Local politicians drove policies and were accountable to the electorate. Much of the workings of government were open to the public and the press. The present Legislative Council was further streamlining government structures with a view to establishing the equivalent of ministries covering specific areas of governance. The Governor

no longer chaired the Legislative Council. The islands' continuously maturing democracy gave the lie to the claim that they were a colony. However, they would be just that if the international community accepted Argentina's claim to sovereignty over them.

12. The Falkland Islands would like to continue their success story. They would also like to have a normal relationship with their neighbour, Argentina. He called on Argentina's Minister of Foreign Affairs to engage on the global issues affecting the region, such as protecting straddling fish stocks, and to join forces generally to care for the environment. Lastly, he urged the Committee to fulfil its stated aims and support the fundamental right to self-determination.

13. **Mr. Davies** (Legislative Council of the Falkland Islands) said that to adopt yet another resolution that called for dialogue between the United Kingdom and Argentina but made no reference to the Falkland Islands' right to self-determination would lead nowhere. The Committee's obligation was to guard and promote the islanders' rights as the people of a Non-Self-Governing Territory, not to arbitrate in a sovereignty dispute. Their desire for self-determination in the context of a continuing association with the United Kingdom was quite clear. General Assembly resolution 1514 (XV), the Committee's annual resolutions and the opening remarks of the Deputy Secretary-General all highlighted the right to self-determination. How, then, could the Committee support a resolution on decolonization that made no reference to that right? If the Committee genuinely wished to make progress, it needed to approach the case afresh.

14. Argentina's claim to territorial integrity had no historical or legal basis. When the islands had been discovered in the sixteenth century they had been uninhabited. From the late eighteenth century onwards, Spain and Britain had claimed the islands. Today's Argentina had not existed. It was therefore incorrect to suggest that Argentina and the islands had formed any sort of national unit. Moreover, Spain had not ceded her sovereignty claim to Argentina upon independence. Despite that, in 1829, Argentina had appointed Vernet, a French entrepreneur, as governor. Britain had protested and reoccupied the islands four years later.

15. The islanders had peacefully occupied and administered their country for 170 years — longer than Argentine Patagonia had existed. The islands were not part of Argentina and never had been. Argentina's brief occupation in the nineteenth century did not give her any rights over them. For too long, the Committee had allowed Argentina to equate decolonization with her anachronistic sovereignty claim. The tragedy was that Argentina had created a myth which no rational argument could destroy. Argentines were convinced of the justice of their cause and sovereignty had become a matter of national honour. For the islanders, Argentine sovereignty would mean annexation and alien domination. General San Martin, liberator of Argentina, Chile and Peru, had been passionately committed to people's right to choose their own government, and would surely be ashamed to see Argentina attempting to subjugate the islands and impose upon them a rule they did not want.

16. Argentina's claim that the islanders had no political rights as a distinct people was nonsense. If that were true, why were the islands on the list of Non-Self-Governing Territories? Though originally from many different places, the islanders had, over the years, developed their own identity as a people in their own right. Even Argentina had her own name for them. The claim that they had no rights because they were not an indigenous people was spurious; one glance at Argentina's demographic make-up showed the folly of taking that position. The concept of indigenous people was, moreover, meaningless in the context of a country that had been uninhabited when discovered. In any case, there was no principle that self-determination was available only to indigenous people. No one would suggest that non-indigenous Argentines did not have rights in their own country.

17. The Falkland Islands were a modern, mature, vibrant and multicultural community with a high degree of internal self-government and strong democratic institutions. He invited anyone who doubted his words to come and see for themselves. In no sense were they a colony. They greatly valued their link with the United Kingdom and its unwavering commitment to defend their rights. Their entirely voluntary association with the United Kingdom was based on mutual respect and commitments and obligations on both sides. He believed that to be an appropriate basis for the relationship in the twenty-first century. It was not colonial reform, or "contemporary" or "benevolent" colonialism. The islanders were fully aware of the options available. Their choice reflected the view of the vast majority. He asked the Committee to respect that wish.

18. He was very disappointed that the Argentine Government seemed to be deliberately trying to damage their economy, denying commercial flights permission to fly across Argentine airspace and threatening shipping interests. He regretted the recent failure to hold full meetings of the South Atlantic Fisheries Commission and the fact that Argentina had dissuaded its scientists from collaborating in any work involving the Falkland Islands. Noting recent criticisms that the United Kingdom was blocking cooperation by acting unilaterally in certain areas, he stressed that the islands' new fisheries ordinance had been drafted and enacted by their own government, not by the United Kingdom. Third-party nations too suffered from Argentina's approach, especially those involved in fisheries and those trying to implement international conservation agreements. The recent United Nations proposals to reduce illegal fishing on the high seas would only work if countries cooperated. All were responsible for the health of the planet and must work together to make progress. Conservation of fish stocks and wildlife, of benefit to all, required strong international commitment and cooperation.

19. The current cold war in the South Atlantic would not make the islanders surrender their rights, or change the attitude of the United Kingdom. Argentina's approach would only delay progress. Making progress on mutual cooperation and peaceful coexistence was not easy and required wisdom and determination. It was time for Argentina and the Falkland Islands to make such progress and reap the benefits. The islanders would never trade their right to self-determination for material benefit. However, they could see the benefits of cooperation and wanted to develop a good neighbourly relationship based on mutual respect and trust.

20. It was not possible to turn the clock back 170 years. The time had surely come for both countries to put aside their differences and move on into the twenty-first century. He believed that the Argentine people had the goodwill and maturity to do that; he hoped that their politicians would have the strength and vision to engage in dialogue and move towards a better relationship. Rather than adopting the same resolution again, he asked the Committee to acknowledge that the case would be resolved only by accepting that the inhabitants of the Falkland Islands were a people with inalienable political rights. Lastly, he expressed his appreciation to those States that supported the islanders' right to self-determination and had the integrity to speak on the basis of principle, not self-interest. If the United Nations was to be relevant in the twenty-first century, it must not allow political expediency to take precedence over the provisions of the Charter.

21. *Mr. Stevens and Mr. Davies withdrew.*

Hearing of petitioners

22. *At the invitation of the Chairman, Ms. Vernet took a place at the petitioners' table.*

23. **Ms. Vernet** said that her family's history was closely tied to the Malvinas Islands and those Argentine citizens who had emigrated there, only to be expelled by British forces in 1833. Her great-great-grandfather Luis Vernet, had been the first governor of the islands, following the creation of Argentina's political and military command there in 1829. He had legitimized Argentine sovereignty over the territories under his jurisdiction and established Argentina's control of the archipelago through methodical planning and orderly management of its resources. He had not been driven by personal gain alone; all the information he collected had been sent to the Government in Buenos Aires, particularly that relating to the islands' productive potential. In 1823, he had been authorized to settle in the islands, and in 1824 his first expedition had arrived to exploit the islands' resources. He had subsequently expanded his activities throughout the archipelago.

24. In 1828 he had been awarded title to vacant land in the islands. The intent had been to increase the number of settlers, fix territorial limits and found new fishing ports. Owing to the presence of many British fishing boats in the area, the British vice-consul in Buenos Aires had been asked to certify the land titles and had raised no objections. In fact, the concessions had not been questioned by any State.

25. The Buenos Aires Government had established Puerto Soledad as the seat of Government of the Malvinas Islands. In less than two years, Puerto Soledad's population had grown to over 100 permanent residents. The main productive activities had been stockbreeding, exploitation of free-roaming cattle, fishing and hunting. The Argentine authorities had clearly been interested in promoting fixed settlements in Argentina's southern-most territories.

26. The United Kingdom's arguments to justify their illegal act of 1833 did not stand up to legal analysis. The occupied Territory had belonged to Argentina. Their only arguments today were the passage of time and the right to self-determination. The fact that they controlled the Territory did not count. Title deeds and Argentina's claim took precedence over illegal possession. The right to self-determination did not apply, as the islanders were not a people in the legal sense. Their alleged right to self-determination was based on the fact that some of them were descendants of the first British settlers. However, not all communities constituted a people, with a right to determine the sovereignty of a territory. The present-day inhabitants were British. They had no differentiating features making them a nation or ethnic group in their own right. United Nations resolutions recognized the existence of a sovereignty dispute. The Malvinas Islands had belonged to the Spanish Crown and had therefore become part of the Argentine State upon independence. The so-called right to self-determination distorted Argentina's territorial integrity.

27. She urged the Committee to promote constructive dialogue between the United Kingdom and Argentina. She was confident that, by using its good offices, the Committee would help find a peaceful solution to the sovereignty dispute and thereby put an end to a colonial situation that was an affront to the entire American continent.

28. *Ms. Vernet withdrew.*

29. *At the invitation of the Chairman, Ms. Reynolds took a place at the petitioners' table.*

30. **Ms. Reynolds**, speaking as a member of a family that had lived in the islands since the nineteenth century, said that since the seizure of control of the Malvinas Islands by the United Kingdom in 1833, British settlers had expelled and discriminated against Argentine inhabitants in order to prevent them from settling in the islands, thus consolidating colonial rule, a situation that prevailed to the present day.

31. However, over the decades, many British settlers had recognized that, besides geographical proximity, powerful links united the islands with the Argentine mainland, and had disagreed with the policy of the colonial Power, maintained to date, of severing those links and isolating the islands in order to thwart the legitimate claim of the Argentine Republic to sovereignty.

32. Under Argentine sovereignty, the British population of the islands would enjoy the same guarantees of respect for their culture, language, ideas and property as other Argentine citizens. The Special Committee should urge the United Kingdom to negotiate the Malvinas question with the Argentine Republic, in accordance with the relevant General Assembly resolutions.

33. *Ms. Reynolds withdrew.*

Draft resolution A/AC.109/2006/L.8

34. **Mr. Muñoz** (Chile), introducing the draft resolution, said that the question of the Malvinas Islands was a special and particular one, owing to the existence of the sovereignty dispute between Argentina and the United Kingdom. The only way to end that situation was to secure a negotiated settlement of the dispute between the two Governments. The draft resolution therefore called on the two parties to consolidate the process of dialogue and cooperation through the effective resumption of negotiations.

35. It was regrettable that, despite the passage of time and the numerous resolutions adopted by the United Nations, it had not proven possible to initiate direct diplomatic negotiations between the parties with a view to resolving the dispute in a just and lasting manner.

36. The presence of so many representatives of Latin American States at the meeting was an indication of the concern of the countries of the region to see a lasting solution to the question of the Malvinas Islands. Chile supported the rights of Argentina in the sovereignty dispute over the islands and considered that the only viable way forward was through bilateral negotiations between Argentina and the United Kingdom.

37. The maintenance of colonial situations in the early twenty-first century was an anachronistic situation, which should be brought to an end. There were no grounds for the continued delay in the search for a solution to the question of the Malvinas Islands, and the two parties should therefore resume effective negotiations to that end, as soon as possible. Chile therefore hoped that the Committee would adopt the draft resolution by consensus.

38. **Mr. Taiana** (Argentina) said that the United Nations decolonization process was nearing its end,

and was one of the Organization's major accomplishments. His country had always supported that process and had also participated actively in the work of the Special Committee.

39. In 1833 the United Kingdom had forcibly seized the Malvinas Islands, which were Argentine territory. It had then proceeded to replace the resident Argentine population with settlers of British origin and to impose colonial administration on the islands. The General Assembly and the Special Committee considered the question of the Malvinas Islands as a particular and special question, which differed from traditional colonial disputes because it involved a sovereignty dispute.

40. He wished to address the question of the Malvinas Islands from two perspectives: the principle of territorial integrity, and the United Kingdom's refusal to heed the repeated calls of the international community.

41. With respect to the Malvinas Islands, the principle of territorial integrity prevailed over the principle of self-determination. Argentina had consistently supported the application of the principle of self-determination for peoples subject to a colonial regime in cases where the United Nations had concluded that the principle was applicable. However, pursuant to paragraph 2 of the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in General Assembly resolution 1514 (XV), self-determination was limited by the principle of territorial integrity.

42. Moreover, the applicability of the principle of self-determination should be considered in the light of the related circumstances. Thus it could not be applied to the Malvinas Islands because part of the territory of an independent State — Argentina — had been separated, against the will of the inhabitants, by an act of force. Furthermore, the indigenous population had been forced to leave.

43. The inappropriate application of the principle of self-determination to a territory populated by inhabitants of a colonial Power would place the destiny of that territory in the hands of the Power that had established itself by force, in violation of international law. The basic principle of free determination must not be used to transform an illegitimate possession into a situation of full sovereignty. In the case of the Malvinas Islands, to apply the principle of self-determination would effectively be to use resolution 1514 (XV) to perpetuate a colonial situation, to the detriment of the legitimate rights of the Argentine people.

44. General Assembly resolution 2065 (XX) excluded the application of the principle of self-determination to the Malvinas Islands because, if the existence of the sovereignty dispute was accepted, the application of paragraph 2 of resolution 1514 (XV) conflicted with its paragraph 6, since to concede self-determination to the islands' inhabitants would be to violate the territorial integrity of the Argentine Republic.

45. Moreover, in referring to the "interests" of the population, not to their "desires", resolution 2065 (XX) confirmed that the right of self-determination was not applicable to the Malvinas Islands, since the population was British, had been transplanted there with a view to establishing a colony, and had never been subject to, or subdued by, a colonial Power as required by resolution 1514 (XV). The question of the Malvinas Islands therefore concerned a colonized people, not a colonial territory.

46. Turning to his second point, he said that although his Government had repeatedly affirmed its readiness to negotiate, the United Kingdom had ignored the repeated calls of multilateral forums, thus preventing a resolution of the dispute and blocking the decolonization process itself. The prolonged delay should be a cause of concern to the United Nations, and it was therefore imperative that the Secretary-General should use his good offices to assist the parties to comply with the wishes of the General Assembly. Argentina greatly valued the Secretary-General's past management of the question, and believed that his future engagement was vital to achieving progress.

47. Since 1990 Argentina and the United Kingdom had adopted a series of ad hoc understandings of a provisional nature aimed at creating a climate conducive to the resumption of negotiations on sovereignty. Those agreements could not, and must not, be understood as an acceptance of an illegitimate situation, which was not recognized by the Argentine Republic, or as a substitute for the definitive resolution of the dispute.

48. Notwithstanding Argentina's repeatedly expressed desire to cooperate, the United Kingdom had carried out unilateral actions which had introduced changes to the islands' situation, in violation of General Assembly

resolution 31/49, as well as the aforementioned provisional understandings and the mandate of the international community.

49. His Government had consistently protested against, and rejected, those illegal actions, and had repeatedly pointed out to the United Kingdom the profound inconsistency between its commitments under the 1995 joint declaration and its deliberate unilateral actions. The work of the South West Atlantic Hydrocarbons Commission had ceased as a result of those actions, and the Argentine Republic could not fail to take into consideration their negative impact on bilateral cooperation.

50. Argentina had made a strong protest against the extension of the British military base on the Malvinas Islands, and the United Kingdom had not demonstrated the will to resume negotiations on confidence-building measures in the military sphere, which had been suspended in 1994. Those negotiations were needed to improve the control and security of air and sea traffic in the region, in accordance with the joint declaration of 1989 and the provisional understandings.

51. The United Kingdom had also repeatedly tried to ensure that the islands and their illegitimate representatives participated in international bodies and events, and to extend international conventions to the disputed area, practices which were consistently rejected by Argentina.

52. The Argentine Republic had on numerous occasions warned the United Kingdom that it would reject any British pretension to adopt unilateral measures that would affect fisheries resources in the maritime areas surrounding the Malvinas Islands, and that such measures would have a negative impact on bilateral cooperation within the framework of the South Atlantic Fisheries Commission.

53. The United Kingdom's decision to award long-term rights to fisheries resources was not constructive, and was also contrary to General Assembly resolution 31/49 and to the relevant bilateral understandings. His Government had already officially rejected the decision, which had seriously affected cooperation on the preservation of fisheries stocks, and was considering the impact of the measure on future cooperation.

54. In defence of its national interests, Argentina must reject such actions, which represented a deliberate attempt to deny the existence of the sovereignty dispute and the obligation to negotiate its definitive settlement. Argentina was not averse to cooperating with the United Kingdom on practical aspects of the question, provided that such cooperation was carried out on an equitable basis and helped create favourable conditions for resuming negotiations on sovereignty.

55. It could not be said that the Argentine Government intended to take any actions to harm the population of the islands, whose interests it was determined to respect. That was why Argentina had proposed to the United Kingdom, in November 2003, to establish regular flights between the islands and the Argentine mainland, operated by Argentine airline companies. Argentina continued to await a satisfactory response to its proposal, which would doubtless open up new and constructive prospects for both sides.

56. The draft resolution before the Committee would, like its predecessors, provide the basis for a diplomatic solution to the dispute. The Argentine Republic would continue to provide active support for the United Nations decolonization process.

57. **Mr. Sardenberg** (Observer for Brazil) expressed the hope that the Argentine Republic and the United Kingdom would engage in dialogue in order to resolve the dispute over the Malvinas Islands promptly, peacefully and in accordance with the relevant General Assembly resolutions and the United Nations Charter. In that regard, he reiterated his country's support for the legitimate claim of the Argentine Republic to the islands.

58. His Government welcomed the positive developments noted in the working paper prepared by the Secretariat (A/AC.109/2006/17), but was disappointed that the General Assembly resolutions on the need for comprehensive negotiations over the Malvinas Islands had still not been implemented. He therefore firmly supported the adoption, without a vote, of draft resolution A/AC.109/2006/L.8.

59. **Mr. Loizaga** (Observer for Paraguay), speaking on behalf of the Southern Common Market (MERCOSUR) and the associated States of Bolivia, Chile, Colombia, Ecuador, Peru and Venezuela, reiterated their support for the Argentine Republic in its legitimate claim to sovereignty over the Malvinas Islands, South Georgia and the South Sandwich Islands and the surrounding maritime areas, and for a prompt,

peaceful, fair and lasting solution through renewed negotiations between the Argentine Republic and the United Kingdom. They hoped that the draft resolution, which established the necessary framework for diplomatic resolution of the dispute, would be adopted by consensus.

60. **Mr. Muñoz** (Chile) said that his delegation wished to associate itself with the statement made by the observer for Paraguay.

61. **Mr. Pereyra** (Observer for Peru) said that while his country had always defended the right of peoples to self-determination, the present case differed from that of most other Non-Self-Governing Territories. The position of his delegation, based on historical, geographical and legal criteria, was that the sovereignty of the Argentine Republic over the Malvinas Islands, South Georgia and the South Sandwich Islands and surrounding maritime areas should be recognized. Accordingly, the two parties to the dispute should resume negotiations as soon as possible in an effort to find a peaceful, just and lasting solution, as set forth in the draft resolution before the Special Committee.

62. Peru was aware from its own recent history that negotiations on sovereignty were not easy and required a great deal of patience, imagination and good faith in order to reach peaceful and lasting solutions. The desire to reach such a solution for the Malvinas Islands remained a key element of Peruvian foreign policy.

63. **Mr. Perazza** (Observer for Uruguay) said that the crux of the dispute over the sovereignty of the Malvinas Islands was the relationship between the right to self-determination of peoples and the territorial integrity of States; it was legally impossible for the inhabitants of the islands to choose to live under the sovereignty of one country in the territory of another. General Assembly resolution 1514 (XV) established a clear limit to the right to self-determination by stating that faithful and strict compliance with the resolution must be based on respect for the territorial integrity of States.

64. The United Kingdom had invoked the right to self-determination as justification for its sovereignty over the islands and, from that, it could be inferred that any attempt by Argentina to recover its sovereignty over the islands constituted a violation of that right. Uruguay did not accept that line of reasoning. At no time had the Argentine Republic questioned or called into question the right of the population of the Malvinas Islands to freely determine its political status and freely pursue its economic, social and cultural development, and there was nothing to suggest that it would do so after regaining sovereignty over the islands.

65. Uruguay's long-standing and close relations with the Argentine Republic were not the sentiment that motivated those views. Rather, Uruguay was convinced of the justice of the Argentine claim to sovereignty over the Malvinas Islands, and of the need for an early, peaceful and just settlement of the dispute in accordance with the relevant resolutions of the United Nations and of the Organization of American States (OAS). It therefore supported the draft resolution before the Special Committee.

66. **Mr. Zhang** Yishan (China) said that China had consistently taken the position that territorial disputes between countries should be resolved through peaceful negotiations. It therefore encouraged the Governments of the Argentine Republic and the United Kingdom to act in accordance with the relevant resolutions of the General Assembly, continue their constructive dialogue and work towards an early, peaceful and just solution to the question. His delegation therefore supported the draft resolution.

67. **Mr. Davies** (Sierra Leone) said that any solution that fell short of respecting the wishes and expressing the aspiration of the inhabitants of the Malvinas Islands, South Georgia and the South Sandwich Islands would be inconsistent with General Assembly resolution 1514 (XV) and Article 1, paragraph 2, and Article 73 (b) of the United Nations Charter. His delegation therefore urged all parties to engage in peaceful and sustained dialogue with a view to finding a lasting solution.

68. **Mr. Atieh** (Syrian Arab Republic) commended Argentina on its support of the rights of the people of the Malvinas (Falkland) Islands, its respect of United Nations resolutions and its rejection of foreign occupation. His Government's position was consistent with those adopted at the 2005 summit of South American and Arab countries in Brasilia and the 2005 summit of the Group of 77 and China in Doha.

69. His delegation supported the draft resolution before the Special Committee. Its adoption by consensus would underline the international community's fundamental role in resolving the issue

and its support for Argentina's quest for a peaceful settlement. His delegation was convinced that the resumption of dialogue between Argentina and the United Kingdom would lead to an appropriate resolution of the question of sovereignty over the islands.

70. **Mr. Panggabean** (Indonesia) said that while decolonization represented one of the greatest achievements of the United Nations, the Special Committee's work would not be complete until the situation of the remaining 16 Non-Self-Governing Territories was resolved. The Committee should redouble its efforts to that end.

71. The question of the Falkland Islands (Malvinas) exemplified the fact that no universal criteria could be applied to every decolonization question. In the instance before the Committee, the principle of territorial integrity was the overriding consideration. The relevant General Assembly resolutions clearly stated that the only way to end the colonial situation in the islands was through the peaceful and negotiated settlement of the sovereignty dispute between Argentina and the United Kingdom, taking into account the interests of the people of the islands. His delegation therefore urged the two countries to resume negotiations in order to find a fair, equitable and durable solution to the problem. Indonesia was encouraged that the two Governments had begun talks on some aspects of the problem, such as a feasibility study on mine clearance.

72. **Mr. Yáñez-Barnuevo** (Observer for Spain) said that Spain had hosted the fifteenth Iberoamerican Summit of Heads of State and Government, a body with observer status in the General Assembly, in Salamanca in October 2005. On that occasion, a special communiqué had been adopted on the question of the Malvinas Islands urging the Governments of Argentina and the United Kingdom to resume negotiations as soon as possible to find a swift solution to the sovereignty dispute over the islands. The solution should be in accordance with the relevant resolutions of the United Nations and of the Organization of American States, and must respect the purposes and principles of the Charter of the United Nations, including the principle of territorial integrity.

73. **Mr. Loayza Barea** (Bolivia) said that his delegation wished to associate itself with the statement made by the representative of Paraguay on behalf of MERCOSUR and associated countries. MERCOSUR supported Argentina's legitimate rights over the Malvinas Islands, as had been stated at the thirty-sixth General Assembly of the Organization of American States, in June 2006. The declaration adopted at that meeting had encouraged Argentina and the United Kingdom to pursue all initiatives that could lead to a peaceful settlement of the dispute on a constructive and imaginative basis. His delegation commended the efforts of the Special Committee to find appropriate solutions to the question, which was a dispute over sovereignty, not self-determination. His delegation had therefore co-sponsored the resolution, which it trusted would be adopted by consensus.

74. **Mr. Savua** (Fiji) said that the political, economic and social particularities of each Non-Self-Governing Territory should be taken into consideration when examining its situation. While no two situations were the same, one common factor was self-determination, which was the guiding principle in the relevant provisions of the United Nations Charter, General Assembly resolution 1514 (XV) and article 1 of the International Covenant on Civil and Political Rights. Self-determination was a long process that should involve dialogue between the administering Power and the people of the Territory, respecting the people's interests and their collective will.

75. The people of the Falkland Islands had consistently expressed their interest in pursuing self-determination. They had made decisions, participated in political, economic and social developments on the islands and had enjoyed a level of independence. However, self-determination could be attained only with the full cooperation of the Governments of the United Kingdom and Argentina. His delegation therefore called on the parties concerned to resume negotiations in order to find a peaceful and lasting solution to the sovereignty dispute as soon as possible. While supporting the draft resolution, his delegation emphasized that the concerns of all interested parties, including the people of the Falkland Islands, should be heard in order to ensure lasting peace in the region. The Special Committee should be prepared to conduct a mission to the Territory should an invitation be issued.

76. **Mr. Malmierca Díaz** (Cuba) said that, despite the numerous resolutions the Special Committee had passed over the previous 20 years, no definitive solution to the question of the Malvinas was imminent.

General Assembly resolution 2065 (XX) had defined the issue as a sovereignty dispute between the United Kingdom and Argentina that required negotiations between those Governments, taking into account the provisions of General Assembly resolution 1514 (XV), the United Nations Charter and the islanders' interests.

77. Since gaining independence in 1816, Argentina had expressed its political will to exercise effective sovereignty over the islands and the maritime areas of the Atlantic inherited from Spain. The islands had, however, been seized by British forces in 1833, and the authorities and local population evicted. Cuba reiterated its support for Argentina's claim over the islands and called for a negotiated, fair, definitive and prompt solution to the question, taking into account Argentina's territorial integrity and the islanders' interests. The United Kingdom delegation, which was regrettably absent from the current meeting, should heed the Special Committee's appeals for a resumption of negotiations and respond to Argentina's repeated calls to make progress on the issue. The United Kingdom should stop taking unilateral action that affected the situation of the islands. Cuba, having co-sponsored the draft resolution, urged all Committee members to adopt it without a vote.

78. **Mr. Arias Cardenas** (Bolivarian Republic of Venezuela) said that his delegation wished to associate itself with the statement made by the representative of Paraguay on behalf of MERCOSUR and associated countries. His delegation had co-sponsored the resolution before the Committee in accordance with the sixth operative paragraph of the Declaration on the Granting of Independence to Colonial Countries and Peoples, which prohibited any attempt to disrupt the territorial integrity of a State. Venezuela therefore supported Argentina's legitimate rights in the sovereignty dispute over the Malvinas according to the relevant provisions of international law.

79. Almost 180 years had passed since Simón Bolívar had organized the Amphictyonic Congress of Panama to establish a confederation of American republics, to avoid situations such as that currently affecting the islands. The memory of that struggle increased Latin American solidarity with Argentina's desire to put an end to the occupation of the islands. Venezuela urged the United Kingdom and Argentina to resume negotiations to find a peaceful solution and to enable Argentina to establish its political and territorial integrity.

80. **Ms. Rouse** (Grenada) reiterated her delegation's commitment to the principle of self-determination and the right of peoples to decide their own destiny. By focusing on issues of genuine importance to the islands, the United Kingdom and Argentina should be able to resolve the question to the benefit of the people of the islands, in accordance with the relevant United Nations resolutions and the Charter of the United Nations.

81. **Mr. Sitnikov** (Russian Federation) said that his delegation supported the draft resolution and trusted that it would be adopted by consensus. It was necessary to find a mutually agreed solution to the question of the Malvinas Islands through bilateral talks between the two countries concerned, based on the relevant decisions of the General Assembly.

82. **Mr. Okio** (Congo) said that it was regrettable that no solution had been found to the question of the Falkland (Malvinas) Islands, which had been considered during both Decades for the Eradication of Colonialism. He urged Argentina and the United Kingdom to resume negotiations to resolve the sovereignty dispute in accordance with the Charter of the United Nations and the relevant resolutions adopted by the Committee and the General Assembly.

83. **The Chairman** said that he would take it that the Committee wished to adopt draft resolution A/AC.109/2006/L.8 without a vote.

84. *Draft resolution A/AC.109/2006/L.8 was adopted.*

85. **The Chairman** announced that the Special Committee had concluded its consideration of the item.

The meeting rose at 12.55 p.m.